

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HOANG LONG KIM, SP 2014-MA-158 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction in certain yard requirements to permit construction of addition 7.6 ft. from side lot line. Located at 6331 Beachway Dr., Falls Church, 22044, on approx. 18,914 sq. ft. of land zoned R-2. Mason District. Tax Map 61-1 ((11)) 1031 A. (Admin. moved from 10/8/14 at appl. req.) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 7, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The zoning of the property is R-2.
3. The size of the property is 18,914 square feet.
4. Staff has recommended approval of the application.
5. Lake Barcroft does have some unique lots and architectural design, and this is certainly in keeping, based upon the elevation renderings, with the general proximity architecture.
6. The Board has determined that the applicant meets all of the submission requirements as set forth in Sect. 8-922 and the standards applicable thereto.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.

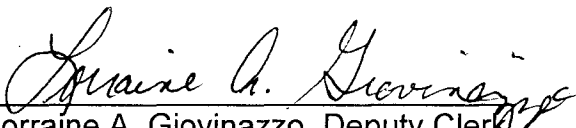
2. This special permit is approved for the location and size of the addition as shown on the plat titled, "Special Permit Plat, Lake Barcroft" prepared by Ashleigh T. Bleeker, P.E., dated September 25, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,707 square feet existing + 5,561 square feet (150%) = 9,268 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. This special permit is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. Prior to commencement of and during the entire construction process, the applicant shall install tree protection fencing around the existing trees located near the proposed construction site to protect these trees from construction activities in accordance with the Urban Forestry Management Division requirements. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that an inappropriate activity, such as the storage of construction equipment, does not occur within the area.
6. In consultation with the Urban Forestry Management Division, a single row of six, 6 to 8 foot tall, Category I or II evergreens that are upright in nature will be provided with a spacing of 6 to 8 foot on center between the adjacent property line to the east and the proposed dining room and garage addition.
7. The applicant shall obtain a building permit and final inspections for an existing detached deck located to the south of the dwelling.
8. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 5-0. Mr. Byers was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:

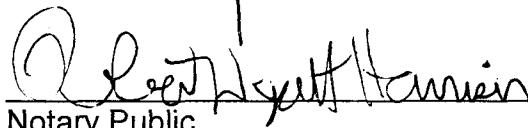

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

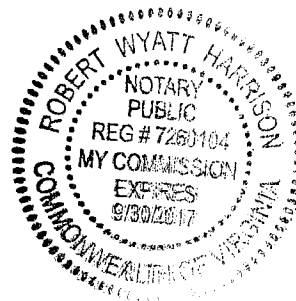
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Commonwealth of Virginia

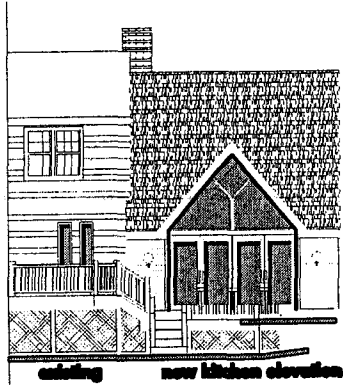
The foregoing instrument was acknowledged before me this 13 day of

January, 2015.

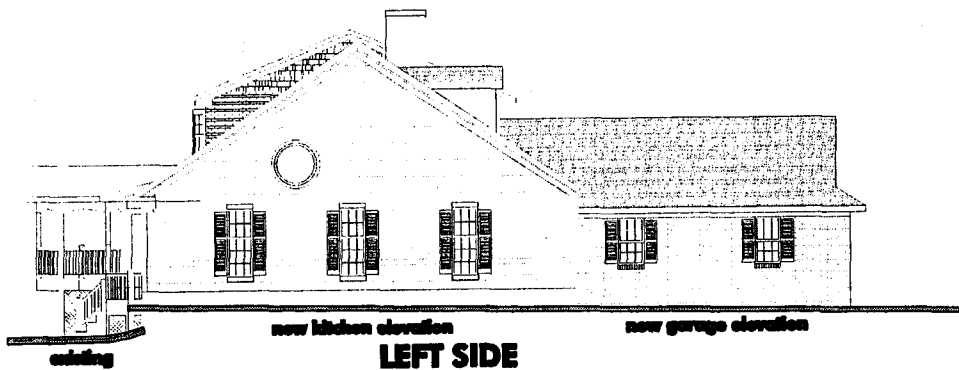

Notary Public

My commission expires: 9-30-2017

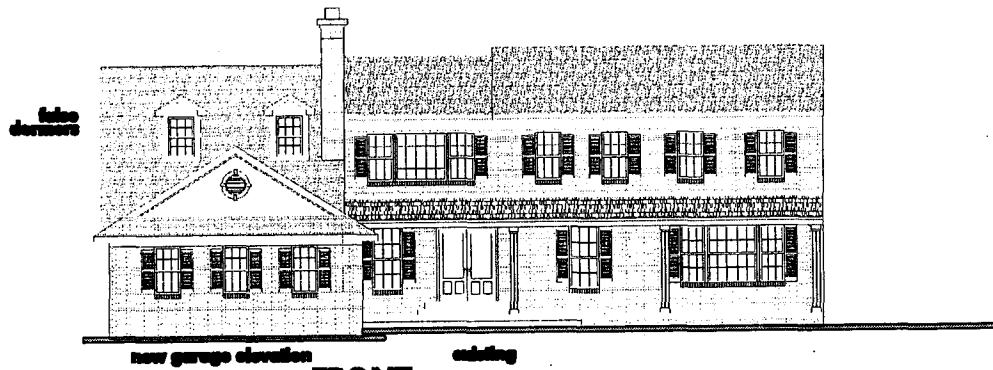




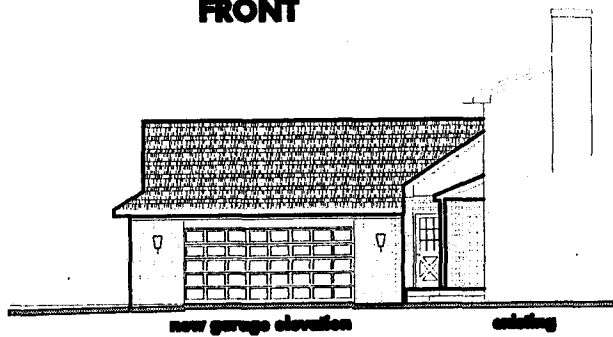
REAR



LEFT SIDE



FRONT



RIGHT SIDE